

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**UNITED STATES OF AMERICA,**

**Plaintiff,**

**Case No. 03-CR-239**

**USCA No. 04-2929**

**-vs-**

**FREDDY ROSAS,**

**Defendant.**

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**ORDER**

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The Court ordered the parties in the above-captioned case to submit position statements pursuant to *U.S. v. Paladino*, 401 F.3d 471 (7th Cir. 2005). The Court has read the defendant's position statement and the government's July 11, 2005, letter, has conducted a hearing on the matter, and responds to the request from the Seventh Circuit Court of Appeals as follows. The Court would have looked at the sentencing differently and taken into consideration the factors contained in 18 U.S.C. § 3553(a) had the guidelines been advisory. Therefore, the Court would like the opportunity to re-sentence the defendant.

Dated at Milwaukee, Wisconsin, this 22nd day of November, 2005.

**SO ORDERED,**

**s/ Rudolph T. Randa**

**HON. RUDOLPH T. RANDA**

**Chief Judge**